

UTAH SCHOOL LAW UPDATE

Utah State Office of Education

October 2008

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Being a Teaching Professional

At the State Office we often hear about teacher practices, mostly good and fine, but some troubling. For that reason, let's review of some of the seemingly obvious professional—and unprofessional—practices that teachers engage in.

1) Teacher boundaries with students—A majority of misconduct cases at UPPAC deal with breached boundaries with students. We have addressed this issue in recent issues here. With the development of technology comes a challenge to maintain professional boundaries with students. Not only have teachers texted or emailed students in personal and inappropriate ways, students have accessed teacher tools (cell phones, computers, Blackberry's, etc) and viewed personal and private information on them. A teacher's tools or classroom equipment are her responsibility. UPPAC sees far too many cases where teachers' computers, sometimes with questionable emails or even confidential student information, are too readily accessible to other studentsor even parent aides.

Examples?

If you bring the phone to school it is YOUR responsibility to keep it in an appropriate place. A teacher is personally responsible for email she receives. If she receives something inappro-

priate on her school computer or email account, it should be reported to her supervisor and promptly and permanently deleted.

If a teacher receives inappropriate (or even unnecessary or excessive) text messages from students, she should document her prompt notice to the student that she will not return the text messages.

Certainly a teacher can associate freely with groups or friends when he is not working. But teachers who maintain Facebook or MySpace sites should not give students access to those sites and/or teachers should have a constant awareness of their ongoing role model responsibility. Further, a teacher is personally and completely responsible for protecting the security and privacy of the technology in her classroom.

Teacher and the aggressive student? The teacher is AL-WAYS the adult. If a student pursues or harasses a teacher, the professional educator notifies her supervisor and the student can be disciplined. "She was interested in me, she was the aggressor," is never an excuse

2) Teacher language—The State Board of Education professional practice code requires teachers to exhibit behavior (dress, language, actions) that are beyond reproach. Teachers are required to be examples of the best behavior. Those same

conversation, there may be misunderstandings, innuendos or alternative interpretations given to comments if they find their way into print.

Teachers should have direct conversations with students or parents when necessary or helpful and not expect that information is accurately or appropriately communicated through a third party. If a teacher has a problem with a student's behavior or attendance or effort in class, she should speak directly to the students or his parents. Teachers should not complain to neighbors or other parents about students or their families. Parents with expectations for their children are now part of the public education landscape. Educators must be appropriate, polite *and knowledgeable* when working and communicating with parents. Despite parents' or students' language toward teachers, swearing or profane, demeaning, or insulting language is never acceptable. Perhaps it is unfortunate that we are required to become circumspect in our communications; however, it is the nature of education today.

3) Anger management—It is critical for a teacher to self-assess his personal limits. School years, some classes, some subject areas (cont'd on Back Page)

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UPPAC CASES

The Plight of Principals, Part I

Staffing, students, busses, toilets, birthdays, teacher comp days, lunch room workers, playground duties, inservice trainings, endless acronyms such as PTA, PTO, UEA, AFT, IDEA, FAPE, and IEP's, holidays, Red Ribbon Week, student body elections, state and federal elections in the lunchroom, grass in the outfield, cars in the parking lot, crossing guards......oh my gosh, is the list long enough yet??

This month we want to highlight one plight of principals. That is, the need to train, evaluate, discipline, and reward teachers for their work. Often a teacher who has previously worked as a colleague with teachers in the same school, now that same teacher-as-principal suddenly becomes the person who can affect a teacher's career. One day, he is a team-teacher that is so fun to coordinate lessons and fun activities with; the next day, she is the person who affects a teacher's salary. Principals have a tough job!

Some of the challenges are: how can principals be both colleague and supervisor? How can team building be effective in an evaluative setting where the principal clearly has managerial responsibilities? How can a principal be sympathetic to the day-to-day challenges of a teacher's life and still have responsibilities to report infractions to the district or the state?

One principal acknowledged the balancing act required to maintain a collegial environment that works for the students and the teachers. She said that in the worst case scenario, when a teacher has to be let go, it

takes about a year to complete that process and then about three years to regain the trust of the rest of the faculty. Teachers worry that they will be next and close ranks with each other, making open communication more difficult with and for the principal.

Another part of the balancing act is to determine if the problems with teachers relate to teaching skills or character issues. If the issues relate only to teaching skills, hopefully the teacher is open to mentoring and coaching from others, either in the school or at the district. If the problems relate to character issues, it is more difficult to manage change. It is normal for an individual to feel defensive or hurt by a negative evaluation or outcome of an incident. Sometimes the principal is left to wonder if this otherwise well-qualified teacher should be teaching in another setting. If a transfer can be effected without the teacher having a negative evaluation, that can result in a win-win situation for all. Different settings, different colleagues, and a different school can clear up a problem that was simply situational to the original setting.

BUT if it can't be fixed that easily, one principal reported, it is absolutely necessary for administrators to tell the truth about the transferring teacher's strengths and weaknesses. In order to have integrity in the system, everyone needs to work together, first, for the benefit of the students and secondarily, for the benefit of the teachers and administrators. When asked what advice should be given to a new principal or those aspiring to become principals, one principal reported: FOLLOW DISTRICT POLICY!!! Then everyone helps each other!

UPPAC Case of the Month

No fewer than nine articles have been published in this newsletter, going back to January 2006, on teacher-student relationships, crossed boundaries, spelled out rules of do's and don't's, and the sad outcomes of otherwise well-qualified, teachers losing their licenses because of inappropriate relationships with students. This month's headline article also deals with this. It is hard to imagine what more could possibly be said to teachers that has not already been said.

As we look over the UPPAC agenda and the infractions that are coming to the State's attention, once again, we have at least four cases in which teachers have breached the boundaries of professional and personal, and sometimes criminal, behavior.

This kind of case load could lead one to wonder-what more could have possibly be done to decrease or eliminate these problems. Our current case load has common threads throughout the facts of the cases—1) communication with students without other teachers, administrators. or parents knowing about it; 2) time spent in person, emailing, or texting students for non-educational reasons; 3) meetings off-campus or oncampus in after-school hours, and 4) some weird fascination or compulsion or need to be friends with people over whom we have been given a strict responsibility—to enhance their academic progression in a safe environment. No environment is safe for young people where the emotional or physical needs of teachers breach the ethical, legal, and psychological boundaries and override their professional duties.

If you are an administrator or a colleague of a teacher who appears to be overly-friendly to his/her students, help that teacher become aware of their misdirection. Save their career and the psychological safety of the children in their classes by warning them of the danger of inappropriate reaching out to children to meet their emotional needs. The great thing about teachers is caring about children. The dangerous thing can be that so much contact with children can lead to confusion about boundaries. Help your colleagues; be friends to one another, so that the need for friendship or intimacy is met by other adults. Do not hope that "it will get better" or that someone "is just having a difficult time right now." For the sake of our profession, colleagues and the students, build appropriate, collegial relationships with one another!

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Behind Every Famous Person is a Fabulous Teacher!!

Teachers Count is a non-profit organization that promotes the teaching profession. he "Behind Every Famous Person Is a Fabulous Teacher" Campaign pairs well-known individuals, s with their favorite teachers for ads that appear throughout the Time Inc. family of magazines. The campaign is supported by Time Inc., which has donated millions of dollars worth of free ad space, and Jones New York In The Classroom, which underwrites the production costs of the ads.

First Lady Laura Bush spoke at the official launch of the "Behind Every Famous Person Is a Fabulous Teacher" Campaign on October 5, 2006.

The "Behind Every Famous Person Is a Fabulous Teacher" Campaign fulfills one of the main facets of the TeachersCount mission—raising the status of the teaching profession. Teachers are the single most important factor in the effort to improve U.S. education, but their vital role is often overlooked. In fact, teachers often feel they "are the scapegoat for the problems facing education."

The purpose of the TeachersCount Campaign is to promote public support of the teaching profession, make current teachers feel appreciated in their jobs, and to encourage today's bright, young people to become tomorrow's fabulous teachers.

Some of the famous people, who are highlighted with their teachers, are: Pete Boneparth, Chris "Ludacris" Bridges, Laura Bush, Kenneth Chenault, Dayna Devon, Taye Diggs, Alecko Eskandarian, Eddie Falco, America Ferrera, James Franco, Marg Helgenberger, Cheryl Hines, Eddie Kennison, Virginia Madsen, Curtis Martin, Jeremy Piven, Zac Posen, Al Roker, John Sexton, Tony Shalhoub, Will Shields, Jamie-Lynn Sigler, Michelle Snow, Bradley Whitford and Steve Young.

Check it out at: <u>teacherscount.org/campaign/</u>
There are discounts for teachers and free posters of famous people and their teachers for your classrooms. Enjoy!

Your Questions

Question:

What happens to my license if I get arrested or have a court judgment in place?

Answer:

We get many phone calls every day at the State Office, as you might imagine—dozens a day. What you might not imagine is the frequency with which this question is asked. For that reason, we want to reiterate what State Board of Education Rule 277-515-3 requires of teachers. The professional educator:

- A. is responsible for compliance with federal, state, and local laws.
- B. shall familiarize himself with professional ethics and is responsible for compliance with applicable professional standards.
- C. The professional educator, upon receiving a Utah educator license:
- (1) shall not be convicted of any felony or misdemeanor offense which adversely affects the individual's ability to perform assigned duties and carry out the responsibilities of the profession, including role model responsibilities;

What do you do when. . . ?

- (2) shall not be convicted of or commit any act of violence or abuse, including physical, sexual, or emotional abuse of any person;
- (3) shall not commit any act of cruelty to children or any criminal offense involving children;
- (4) shall not be convicted of a stalking crime;
- (5) shall not possess or distribute illegal drugs, or be convicted of any crime related to illegal drugs, including prescription drugs not specifically prescribed for the individual;
- (6) shall not be convicted of any illegal sexual conduct, including



offenses that are plea bargained to lesser offenses from an initial sexual offense:

(7) shall not be subject to a diversion agreement specific to sex-related or drug-related offenses, plea in abeyance, court-imposed probation or court supervision related to criminal charges which could adversely impact the educator's ability to perform the duties and responsibilities of the profession...."

We are surprised by the number of people who believe that their illegal involvements should not affect their employment status. Most school districts have policies and procedures that make illegal behavior an actionable (subject to firing) incident. That is an employment issue. For us at UPPAC, licensing and educator standards are first and foremost how we protect 1) the children; and 2) the profession. Please review the standards on the UPPAC website at: www.rules.utah.gov/publicat/ code/r277/r277-515.htm#T3

YOUR LICENSE IS A PRIVILEGE, NOT A RIGHT, TREAT IT CARE-FULLY!!

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Utah State Office of

250 East 500 South P.O. Box 144200 Salt Lake City, Utah 84114-4200

Phone: 801-538-7830 Fax: 801-538-7768 Email: jean.hill@schools.utah.gov





The Utah Professional Practices Advisory Commission, as an advisory commission to the Utah State Board of Education, sets standards of professional performance, competence and ethical conduct for persons holding licenses issued by the Board.

The Government and Legislative Relations Section at the Utah State Office of provides information, direction and support to school districts, other state agencies, teachers and the general public on current legal issues, public education law, educator discipline, professional standards, and legislation.

Our website also provides information such as Board and UP-PAC rules, model forms, reporting forms for alleged educator misconduct, curriculum guides, licensing information, NCLB information, statistical information about Utah schools and districts and links to each department at the state office.

Being a Teaching Professional, continued from Page 1

- **3)** Anger management— It is critical for a teacher to self-assess his personal limits. School years, some classes, some subject areas are more stressful and sensitive than others. Educators must assess and address their level of burn-out or need for change in order to head off angry incidents.
- **4)** Licensure— True professionals pay attention to the timely reporting of changes in their status, including addresses, phone numbers, email addresses, licensure renewal dates, answering mail, and continuing education credits.

As educators, we are proud of our profession—let's pay attention to important issues that anticipate the difficult professional areas and increase respect for teachers!

